



General Assembly

February Session, 2016

Raised Bill No. 5458

LCO No. 1897



Referred to Committee on PUBLIC HEALTH

Introduced by:
(PH)

AN ACT CONCERNING MAXIMUM DECIBEL LEVELS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22a-69 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2016*):

3 (a) The commissioner may develop, adopt, maintain and enforce a
4 comprehensive state-wide program of noise regulation which may
5 include, but need not be limited to the following: (1) Controls on
6 environmental noise through the regulation and restriction of the use
7 and operation of any stationary noise source; (2) ambient noise
8 standards for stationary noise sources which in the commissioner's
9 judgment are major sources of noise when measured from beyond the
10 property line of such source and such standards shall be feasible and
11 requisite to protect the public health, safety and welfare; such
12 standards may include, but need not be limited to, adoption by
13 reference of standards or regulations adopted by the administrator of
14 the United States Environmental Protection Agency pursuant to the
15 Noise Control Act of 1972 (P.L. 92-574) or any amendment thereto; (3)
16 consultation with state and local governmental agencies when such

17 agencies adopt and enforce codes, standards and regulations dealing
18 with noise insulation and abatement for any occupancy or class of
19 occupancy; (4) controls on airport and aircraft noise to the extent not
20 preempted by federal law; nor shall the state preempt power of local
21 governments, in their capacity as proprietors of airports or under
22 police powers; and (5) controls on noise levels in movie theaters and
23 entertainment venues.

24 (b) (1) Any regulation promulgated pursuant to this chapter shall be
25 adopted pursuant to chapter 54 and shall be one which, in the
26 judgment of the commissioner, is requisite to protect the public health,
27 safety and welfare, taking into account the magnitude and conditions
28 of use or operation of the stationary noise source involved, alone or in
29 combination with other such sources, the degree of noise reduction
30 achievable through the application of the best available and practical
31 technology, taking into consideration technology which may be
32 available at the time the regulation becomes effective.

33 (2) Regulations promulgated pursuant to the authority of this
34 chapter may be applicable throughout the state or to such parts or
35 regions thereof specifically designated in such regulations.

36 (3) The commissioner shall adopt regulations providing for the
37 granting of individual variances from the provisions of this chapter,
38 whenever it is found, upon presentation by the petitioner of adequate
39 proof, that compliance with any provision of this chapter, any
40 regulation promulgated under it or an order of the commissioner
41 would impose an arbitrary or unreasonable hardship.

42 Sec. 2. (NEW) (*Effective October 1, 2016*) The owner or operator of
43 any movie theater or entertainment venue where the decibel level is
44 likely to exceed any maximum decibel level developed or adopted by
45 the commissioner pursuant to section 22a-69 of the general statutes, as
46 amended by this act, shall post a notice in a conspicuous place in such
47 movie theater or venue (1) warning patrons of the potential for decibel

48 levels in the theater or venue to cause harm to hearing, and (2) stating
49 the names and telephone numbers of the Department of Energy and
50 Environmental Protection and municipal officials to whom patrons
51 may complain of excessive noise levels.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2016</i>	22a-69
Sec. 2	<i>October 1, 2016</i>	New section

Statement of Purpose:

To allow the Commissioner of Energy and Environmental Protection to develop, adopt, maintain and enforce controls on noise levels in movie theaters and entertainment venues and to require owners or operators of movie theaters and entertainment venues to post certain notices when such noise levels are likely to be exceeded.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]